IN THE HIGH COURT OF JUDICATURE OF ANDHRA PRADESH AT HYDERABAD

THE HON'BLE SRI JUSTICE GOPALAKRISHNA TAMADA

Writ Petition No.31557 of 1997

Dated: 09-02-2007

Between:

K. A. Venkata Rao, s/o Sri Venkateswara Rao,
aged about 32 years,
r/o Brahmapuram village,
Chilakalapudi Police Station limits,
Machilipatnam,
Krishna District.

... Petitioner

and

1. The Superintendent of Police,
   Machilipatnam,
   Krishna District and another.

... Respondents

ORDER:

This writ petition is filed seeking *mandamus* declaring the action of respondents in opening a rowdy sheet against petitioner, as arbitrary and illegal and consequently direct the respondents to drop/close the rowdy sheet No.73 against the petitioner on the file of

the Chilakalapudi Police Station, Machilipatnam, Krishna District.

2. It is the case of the petitioner that based on a false report given against him, the Station House Officer, Pedana Police Station registered a case in Crime No.28 of 1992 against him for the alleged offences punishable under Sections 365, 511, 109, 143 and 506 of the Indian Penal Code, 1860 and in the said case he was convicted and sentenced to undergo imprisonment for three years and also to pay a fine of Rs.2,000/-. It is stated that against the said conviction and sentence, the petitioner preferred appeal being Crl.A.No.21 of 1997 before the Court of the District Judge, Machilipatnam and during the pendency of the said appeal,
the respondent police, even though there are no other cases pending against the petitioner, opened a rowdy sheet vide sheet No.73 against him.

3. A counter affidavit is filed on behalf of the respondents, wherein it is stated that the petitioner was convicted only in one case and though a rowdy sheet is opened, he was never summoned to the police station and he is not involved in any case after the above conviction. It is also stated that the petitioner was never harassed and his liberty was not at all curtailed.

4. Heard learned counsel for the parties.

5. Having regard to the averments made in the counter affidavit and also in view of the fact that the appeal was pending as on the date of filing of the writ petition, this Court is of the view that the writ petition can be disposed of observing that if the petitioner is acquitted by the appellate Court and that if he is not involved in any other case, the respondents shall close the rowdy sheet opened against the petitioner.

6. Subject to the above directions, the writ petition is disposed of.

No costs.

_____

JUSTICE GOPALAKRISHNA TAMADA

Dt.09-02-2007
GLV